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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

TRIPLETT et al v. SECOND NAT. BANK OF CULPEPER.

June 14, 1917.

[92 S. E. 897.]

1. Trial (§ 60 (2)*)—Reception of Evidence.—In action by indorsee of note in the absence of evidence that an officer of the prior indorsee had any authority from plaintiff to make any special contract with the indorsers, testimony of what such other officer said was inadmissible.

[Ed. Note.—For other cases, see Trial, Cent. Dig. § 144.* 1 Va.-W. Va. Enc. Dig. 248, 274.]

2. Appeal and Error (§ 692 (3)*)—Scope of Review—Admissibility of Evidence.—The refusal of the trial court to permit a witness to answer a question will not be considered on appeal when the expected answer is not given, as the court cannot in such case determine the materiality of the testimony.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 2908, 2909.* 1 Va.-W. Va. Enc. Dig. 581, 582.]

3. Principal and Surety (§ 115 (1)*)—Release of Surety—Release of Collateral.—While the surety is released by the release of collateral by the holder of the note, the doctrine does not apply in favor of a surety on one of a series of notes, one of which was transferred after which collateral was entirely applied to the extinguishment of the entire series in receivership proceedings against the holder of the other notes.

[Ed. Note.—For other cases, see Principal and Surety, Cent. Dig. §§ 244-248, 266-268.* 13 Va.-W. Va. Enc. Dig. 52, 53.]

4. Bills and Notes (§ 534*)—Actions—Costs—Attorney's Fees.—In an action on a note providing for an attorney's fee for making collection, the attorney's fee may be allowed, the agreement being valid, but subject to reduction if unreasonable in amount.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 1946, 1947.* 16 Va.-W. Va. Enc. Dig. 204; 2 Va. Law Reg., N. S. 321.]

Error to Circuit Court, Culpeper County.

Action by the Second National Bank of Culpeper against L.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

E. Triplett and others. Judgment for plaintiff, and defendants bring error. Affirmed.

J. D. Richards and *William Horgan*, both of Warrenton, for plaintiffs in error.

J. G. Hiden, of Culpeper, for defendant in error

CITY OF RICHMOND *v.* VIRGINIA RY. & POWER CO.

June 14, 1917.

[92 S. E. 988.]

Street Railroads (§ 31*)—Right to Cross City Bridge.—Under an ordinance granting 30-year street railroad franchise, accepted by the company, authorizing the company to operate on a certain street to the corporate limits and referring to bridges to be crossed by the company's tracks, the company was not obliged to pay the city toll for crossing a bridge subsequently condemned and constructed by the city as a part of such street; the city's statutory right to require of transportation companies compensation for the use of its bridges having been exercised by the compensation and considerations exacted of the company in the original franchise ordinance.

[Ed. Note.—For other cases, see Street Railroads, Cent. Dig. §§ 67, 68.* 12 Va.-W. Va. Enc. Dig. 837.]

Error to Law and Equity Court of City of Richmond.

Action by the City of Richmond against the Virginia Railway & Power Company. Judgment for defendant, and plaintiff brings error. Affirmed.

H. R. Pollard, of Richmond, for plaintiff in error.

H. W. Anderson, *A. B. Guigon*, and *T. J. Moore*, all of Richmond, for defendant in error.

COMMONWEALTH *et al.* *v.* UNITED CIGARETTE MACHINE CO., Limited.

June 14, 1917.

[92 S. E. 901.]

1. Constitutional Law (§ 197*)—"Ex Post Facto Law"—Omitted Property—Statutes.—Code 1904, § 508, as amended by Acts 1916, c. 491, § 1, subsec. 2, providing that no municipal, county, or district tax shall be levied or collected on any assessment of intangible property, money, or incomes for taxes, alleged to have been omitted from the assessments for the years prior to 1912, is not an ex post

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.